

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 06 DEC 2005

WIPO PCT

Applicant's or agent's file reference 121105	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/AU2004/001726</b>	International filing date ( <i>day/month/year</i> ) 8 December 2004	Priority date ( <i>day/month/year</i> ) 8 December 2003
International Patent Classification (IPC) or national classification and IPC <b>Int. Cl. <sup>7</sup> H01Q 1/36, B21F 45/00, H01R 11/09</b>		
Applicant <b>COCHLEAR LIMITED et al</b>		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of      sheets, as follows:</p> <div style="margin-left: 40px;"> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> </div> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s))      , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																							

Date of submission of the demand 23 September 2005	Date of completion of the report 23 November 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>J. LAW</b> Telephone No. (02) 6283 2179

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001726

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3 and 23.1 (b))

☐ publication of the international application (under Rule 12.4)

☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☐ the description:

pages as originally filed/furnished

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

☐ the claims:

pages as originally filed/furnished

pages\* as amended (together with any statement) under Article 19

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

☐ the drawings:

pages as originally filed/furnished

pages\* received by this Authority on with the letter of

pages\* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**Box No. IV Lack of unity of invention**

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
  - ☐ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☐ neither restricted nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

- ☐ complied with.
- ☒ not complied with for the following reasons:

The three inventions are as follows:

Claims 1-20 are directed to a method of forming and connecting an antenna to a feedthrough member.

Claims 21-42 are directed to a method of forming a non-linear path of a conducting wire extending between a first location and a second location.

Claims 43-67 are directed to a method of forming a device comprised of a predetermined pattern of at least two relatively electrically conductive regions.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☒ all parts.
- ☐ the parts relating to claims Nos.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001726

**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims 43-67	YES
	Claims 1-42	NO
Inventive step (IS)	Claims 43-67	YES
	Claims 1-42	NO
Industrial applicability (IA)	Claims 1-67	YES
	Claims	NO

## 2. Citations and explanations (Rule 70.7)

The invention of Claims 1-20 does not appear to be novel and does not appear to involve an inventive step in view of the following documents:

- a. GB 2288028 A (HALLIBURTON COMPANY) 4 October 1995
- b. US 6181296 B1 (KULISAN et al.) 30 January 2001
- c. GB 2356935 A (SCHLUMBERGER HOLDINGS LIMITED) 6 June 2001

Each of citations (a)-(c) discloses all the features of the Claims 1-20. For example in (a) see:

- o Winding a wire around an antenna template [page 4, lines 19-21]
- o Connecting portions of the wire to a feedthrough member [page 4, lines 22-26]

The invention of Claims 21-42 does not appear to be novel and does not appear to involve an inventive step in view of the following documents:

- d. US 1948875 A (BEITLING) 27 February 1934
- e. US 3166104 A (FOLEY, JR. et al.) 19 January 1965
- f. US 4200971 A (SHIMIZU et al.) 6 May 1980
- g. US 6446678 B1 (BECHERUCCI et al.) 10 September 2002
- h. US 6308744 B1 (BECHERUCCI et al.) 30 October 2001
- i. Derwent Abstract Accession No. 87-121639/17, Class V06, SU 1256-122 A (FRUNZE TY AZHELEKTRO) 7 September 1986
- j. Derwent Abstract Accession No. 93-376433/47, Class V06, SU 1775803 A1 (KHARK AVIATION INST) 15 November 1992

Each of Citations (d)-(j) discloses all the features of the Claims 21-42. For example in (d) see:

- o Forming wire path template defining a non-linear path [lines 73-82]
- o Winding the wire through the template [lines 18-24]
- o Removing the wire from the template [lines 24-27]

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001726

## Box No. VI Certain documents cited

## 1. Certain published documents (Rule 70.10)

<u>Application No.</u> <u>Patent No.</u>	<u>Publication date</u> <u>(day/month/year)</u>	<u>Filing date</u> <u>(day/month/year)</u>	<u>Priority date ( valid claim)</u> <u>(day/month/year)</u>
P,X US 2004/0164923 A1	26 August 2004	19 February 2004	19 February 2004

The document discloses all the features of Claims 1-20

See paragraphs 67-68

## 2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosureDate of non-written disclosure  
(day/month/year)Date of written disclosure  
referring to non-written disclosure  
(day/month/year)